

**FILED**

UNITED STATES COURT OF APPEALS

**OCT 21 2005**

FOR THE NINTH CIRCUIT

**CATHY A. CATTERSON, CLERK**  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS MATA GALVEZ,

Defendant - Appellant.

No. 04-50131

D.C. No. CR-97-00653-TJH-01  
Central District of California  
(Los Angeles)

**ORDER**

Before: O'SCANNLAIN, CALLAHAN and BEA, Circuit Judges.

The memorandum disposition filed on August 4, 2005 is amended as follows:

The third, fourth, fifth and sixth paragraphs are deleted and replaced with:

“Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief. Counsel’s motion to withdraw is **GRANTED** and the district court’s judgment is **AFFIRMED**.”

With the above amendment, the petition for panel rehearing is denied.

No further filings will be accepted in this closed case.